

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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XIN “KELLY” YANG and TING “SUSAN” CHEN, on
behalf of themselves and all others similarly situated,
Plaintiffs,

CIVIL ACTION NO.
1:24-cv-05055-RA

v.

ANSWER

A FEI, SHUYUN CHEN, YU “RITA” CHEN, YUEZHU
DU, WENLING WANG, YUXIA HU, XUE “LINDA”
LIN, QILONG “LUCY” LIU, LIJUN OUYANG,
JINGYI SHEN, WENLING “ABBY” WANG, YUN YE,
NAN “LUCAS” ZHENG, XIAONA “LINA” ZHOU, LEI
“ANDY” ZHU, ASZ SUPPLY INC., AND DOE
DEFENDANTS 1-100,

Defendants.

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Defendant, WENLING WANG, by her attorneys, THE KASEN AND LIU LAW FIRM, PLLC,
as and for her ANSWER allege as follows:

1. Defendant **DENIES** the **FACTUAL ALLEGATIONS, CONCLUSIONS OF LAW, and CLAIMS FOR RELIEF** in **PARAGRAPHS 1-122** and the **CONCLUSION**.
2. Defendant **OBJECTS** to Plaintiff’s demand for a jury trial.
3. Defendant **DENIES** Plaintiff’s eligibility to each the forms of relief she seeks in the **COMPLAINT**.

RESPONSE TO PRAYER FOR RELIEF

Defendants **DENY** the **FACTUAL ALLEGATIONS**, any and all **CONCLUSIONS OF LAW**, and **CLAIMS FOR RELIEF** which may be discerned in the **WHEREFORE** Clause of the **COMPLAINT**, and respectfully submit that this action should be dismissed in its entirety.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

4. The Plaintiff, through her **COMPLAINT**, fails to state a cause of action as against the Defendant, upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

5. Defendant bears no personal liability as to the causes of action alleged in the **COMPLAINT**.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

6. Plaintiff's alleged injuries and damages, if any, are speculative and cannot be shown to exist in fact.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

7. Plaintiff's alleged claims are barred, in whole or in part, by the doctrines of settlement, satisfaction, agreement, release, and/or set off because she received full remuneration in a timely manner for any and all work allegedly performed.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

8. Plaintiff's alleged claims are barred by the doctrines of contributory or comparative negligence.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

9. Defendants at all times acted in good faith and therefore, should not be liable for any alleged damages.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

10. Plaintiff assumed the risk of damages by participating in the actions set forth in the complaint.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

11. The alleged conduct of the Defendant was not the proximate cause of Plaintiff's alleged damages.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

12. Plaintiff has failed to exhaust the necessary administrative remedies to exhaust her claims prior to bringing the instant lawsuit.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

13. Plaintiff's claims are barred, in whole or in part, to the extent they were not filed within the times prescribed by the applicable statutes of limitation.

AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE

14. Plaintiff's claims are barred, in whole or in part, by the equitable doctrines of laches, waiver, estoppel, offset, and/or unclean hands.

AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE

15. Plaintiff's monetary claims may be barred, in whole or in part, because she has not appropriately, nor adequately, mitigated her alleged damages.

AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE

16. Plaintiff misrepresented to Defendants her credentials, eligibility, and suitability for employment, upon which misrepresentations Defendants reasonably relied, believing them to be true, and as a result of which Defendants were defrauded by Plaintiff and suffered damages.

AS AND FOR A FIRST COUNTERCLAIM

17. Plaintiff defrauded Defendant, for which Defendant seeks recovery against Plaintiff of damages, costs, and reasonable attorneys' fees.

AS AND FOR A SECOND COUNTERCLAIM

18. As a result of such acts of theft and conversion of the property as against Defendant, Plaintiff has been unjustly enriched and therefore, Defendant seeks recovery against Plaintiff of damages, costs, and reasonable attorneys' fees.

AS AND FOR A THIRD COUNTERCLAIM

19. Defendants respectfully submits that the instant action is frivolous, baseless, and malicious and intended to harass the Defendants and inflict emotional distress, and therefore, Defendants seek recovery against Plaintiffs of damages, costs, and reasonable attorneys' fees.

RESERVATION OF RIGHTS

20. Defendants reserve their rights to amend this **ANSWER** and to raise additional affirmative defenses and counterclaims as necessary, upon completion of appropriate investigation and discovery, because Defendant presently has insufficient knowledge and information upon which to form a belief as to whether or not she may have additional, as yet unstated, separate and additional defenses available, and because, as pled *infra*, many of the terms employed by Plaintiff's counsel are undefined and unspecified, and might later be amplified during the course of the proceedings attendant to this Complaint, in ways currently unanticipated.

CONCLUSION

WHEREFORE, the Defendant respectfully requests that this Court enter a Judgment dismissing all the causes of action set forth and relief requested in the **COMPLAINT**; entering Judgment in favor of Defendants on their counterclaims; and for costs, disbursements and attorneys' fees; and for such other and further relief as this Court deems just, proper, and equitable.

Dated: Flushing, New York
October 16, 2024

Yours, etc.



THE KASEN AND LIU LAW FIRM, PLLC

Attorneys for the Defendant

By: Aleksander B. Milch, Esq.

136-33 37th Avenue, #9C

Flushing, New York 11355

Tel. 718-337-8012

Fax. 718-709-8850

Email: aleksander@kasenlawfirm.com

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ZHOU, LEI “ANDY” ZHU, ASZ SUPPLY INC., AND DOE DEFENDANTS 1-100,**

Defendants.

ANSWER

THE KASEN AND LIU LAW FIRM, PLLC

Attorneys for Defendant

136-33 37th Avenue, #9C

Flushing, New York 11354

Tel: (718) 337-8012 Fax: (718) 709-8850